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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,823	03/08/2002	Charles A. Miller	M 10219	8006
27321	7590	04/21/2004	EXAMINER	
ALVIN S. BLUM 2350 DELMAR PLACE FORT LAUDERDALE, FL 33301			CHAN, KO HUNG	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/092,823

Applicant(s)

MILLER ET AL.

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 9-11 and 14-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8, 12, 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

The proposed reply filed on February 4, 2004 are incorrect in its labeling of claims as to whether it is withdrawn for the following reasons. Applicant is reminded that

Claim 1 should be listed as (currently amended and withdrawn) for the reason that claim 1 is drawn to non-elected specie of figure 5 as discussed on page 3, paragraph 3 of applicant's specification.

Claim 6 should be listed as (currently amended and withdrawn) for the reason that it depends from nonelected claim 1.

Claim 7 should be listed as (currently amended and withdrawn) for the reason that it depend from nonelected claim 1.

Claim 12 should be listed as (original) and not withdrawn for the reason that it is an elected claim as stated in applicant's election filed July 17,2003. However, it appears claim 12 should have been labeled cancelled since the subject matter has been incorporated in claim 8.

Claim 14 should be listed as (currently amended and withdrawn) for the reason that it is drawn to the non-elected specie of figure 5.

Claim 15 should be listed as (currently amended and withdrawn) for the reason that it is drawn to the non-elected specie of figure as discussed on page 3, paragraph 3 of applicant's specification.

Claim 19 should be listed as (currently amended and withdrawn) for the reason that it depends from nonelected claim 15.

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Claim 20 should be listed as (currently amended and withdrawn) for the reason that it depend from nonelected claim 15.

The amendment filed February 4, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure (e.g. the Claim Section). 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Applicant has amended all independent claims to include "leaf spring"; however, several claims dependent therefrom recites the spring as "coil spring" (e.g. claim 3, 9, and 16). Applicant's original disclosure does not support the coexistence of a leaf spring and a coil spring.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Current Status of Claims***

Consequently, the status of applicant's claims are as follows:

Claims 1-7, 9-11, 14-20 are withdrawn as drawn to an non-elected species.

Claims 8, 12, and 13 are elected claims drawn to the elected specie of figure 6.

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Objections***

Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is

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required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The limitation of claim 12 has been incorporated within claim 8.

***Claim Rejections - 35 USC § 103***

Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable either Pfleger (US patent no. 1,960,506) over Anderson et al (US patent no. 2,202,413). Pfleger discloses a pivoting motor mount comprising a pivoting platform (21), a base (where plate where bolt 46 extend through), a pivotal connecting means (C) between the base and the platform for pivoting the platform about an axis parallel to the shaft of the motor (15) and spring means (52) interposed between the platform and the base away from the pivotal connecting means for applying spring bias there between to springably resist the pull of the belt on the motor to apply tension.

However, Pfleger does not show the spring is a leaf spring. Anderson teaches providing a leaf spring (16, figure 6) for tensioning. It would have been obvious to one of ordinary skill in the art to have substitute the coil spring of Pfleger with a leaf type spring as taught by Anderson as they are of known mechanical equivalents.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable Pfleger (US patent no. 1,960,506) over Anderson et al (US patent no. 2,202,413) as applied to claim 8 above, and further in view of Larsen et al (US Patent no. 2,360,428). Pfleger and Anderson combined demonstrated all the claimed features of applicant's invention except for the biasing arrangement of having the leaf spring first end attached to the

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base and a second end slidably engaging the platform. It is old and well-known in a biasing arrangement between two rocking elements to have one end of the spring to slide while fixing the other end. Such arrangement is known to have the advantage of allowing for constant adjustment of the spring to the rocking motion. Larsen teaches such arrangement of biasing a platform by having a leaf spring (22) first end attached to the base (by 27) and a second end slidably engaging the platform (28 and 29) for constant adjustment to the motion of the rocking by the platform. It would have been obvious to one of ordinary skill in the art to have modify the leaf spring arrangement of Pfleger and Anderson combined such that the leaf spring first end attached to the base and a second end slidably engaging the platform as taught by Larsen to facilitate constant adjustment to the rocking motion or vibration of the platform.

### ***Response to Arguments***

Applicant's arguments with respect to claims 8, 12, and 13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kimble further demonstrate tensioning mechanism for a motor assembly.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Korie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
April 15, 2004